IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Crl.MC.No. 2367 of 2007()

CC.1275/2003 of JUDL.MAGISTRATE OF FIRST CLASS, KARUNAGAPPALLY
CRIME NO.360/02 OF PANTHALAM POLICE STATION

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PETITIONER: ACCUSED NO.1:

AMBIKA, W/O. P.SASIDHARAN,
AGED 40 YEARS, AMBIKALAYAM, MANNAMPUZHA P.O.,
KUNNATHUR, KOLLAM DISTRICT.

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HONOURABLE HIGH COURT OF KERALA, ERNAKULAM,
REPRESENTED BY SUB INSPECTOR OF POLICE,
PANTHALAM POLICE STATION.

BY P.P. SRI.M.S. BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C. NO. 2367 OF 2007

Dated this the 25th day of July, 2007

ORDER

The petitioner faces indictment in a prosecution, inter alia, under Sec.379 of the IPC. Investigation is complete. Final report has already been filed. Cognizance has been taken. The petitioner is accused No.1. Consequent to the non-appearance of the petitioner before the learned Magistrate, a warrant of arrest issued by the learned Magistrate is chasing the petitioner. According to the petitioner, he is innocent. His absence earlier was not wilful. It was due to reasons beyond his control. He is willing to appear before the learned Magistrate and to co-operate with the court for expeditious disposal of the case. But he apprehends that his application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on merits in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

3. In the result, this Crl.M.C. is dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself.

Sd/-

(R. BASANT, JUDGE)

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//true copy// P.S. To Judge